IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

John Doe MC-1,

Plaintiff,

v.

The University of Michigan, the Regents of The University of Michigan,

Defendants.

Case No. 2:20-cv-10568-VAR-EAS

Master Case Filing

Hon Victoria A. Roberts Magistrate Judge Elizabeth A. Stafford

PLAINTIFF JOHN DOE EB-17; MOTION TO RE-OPEN CASE; MOTION FOR JUDICIAL INTERVENTION; EMERGENCY MOTION FOR HEARING

Comes now, Plaintiff John Doe EB-17, representing himself Pro-Se on the Motion Matter, acting as a one of the Lead Plaintiffs and himself a Settlement Claimant, hereby Petitions the Court for the following:

This case was closed on or about November 11, 2022, with the last filing of said matter on or about the same date. Plaintiff John Doe EB-17, hereby requests that the Court Re-Open the Case for this specific Motion in order for the Court to determine the following:

This case was settled with a Final Order issued on or about November 11, 2022. A Settlement was reached on this Case in or around January 2022. To date,

some 16 months later, no distribution of funds have been received by Plaintiffs (who allegedly filed Bankruptcy during their lifetimes, some going back nearly 30-plus years), due in whole or in part to Archer Systems LLC universally holding back the funds from respective Plaintiffs by (factually) attempting to dive deep into Personal Bankruptcy filings of Plaintiffs, some dating back the aforementioned nearly 30-plus years, a correct figure, wherein these Bankruptcy cases are wholly irrelevant to this matter, as well as refusing to disclose to Plaintiff and Counsel the reasoning for such investigations being made.

Due in whole to the alleged misconduct from Archer, Plaintiff Counsel appointed a "Special Outside Counsel" (Hereinafter "Outside Counsel") to negotiate with Archer and present all cases to a "Bankruptcy Trustee" in a setting that has never been disclosed, wherein the name of the Outside Counsel has never been disclosed, his actions have never been brought forward, other than Counsel for Plaintiff John Doe EB-17, informing EB-17 that this Outside Counsel was appointed on or about April-May 2023 – with further communication from Plaintiff Counsel that as of June 30, 2023, they "anticipate" that Outside Counsel may or may not have a report in "30-60-90" days – with no relief in sight for any Plaintiff.

The delays that have been ongoing since the Court approved the Settlement are not only outrageous, but have become a literal slap in the face of the Plaintiffs, who have suffered enough mental anguish since their Sexual Assault by Dr. Robert

Anderson at the University of Michigan to last a lifetime – yet they continue to not only get older (many of these Plaintiffs are in their 70's and 80's), but see no end in sight – not only by these "delays" that literally change weekly, with little to no communication from their own respective Counsel, all the while watching those Plaintiffs that allegedly have never filed Bankruptcy, get their distribution – making this delay even more outrageous, where ALL Plaintiffs were ordered to be treated as equals, with no advance communication from any Counsel about Archer, the delays made by Archer, and their unprofessional antics that have led to this Motion needing to be filed.

The Bankruptcy Code is clear on its face, wherein where any individual who is DISCHARGED from a Bankruptcy (as all cases being researched from 10-30 years past are), making such investigations wholly irrelevant and cause for concern. Further, the Bankruptcy Code reads thus:

A discharge releases individual debtors from personal liability for most debts and prevents the creditors owed those debts from taking any collection actions against the debtor. Because a chapter 7 discharge is subject to many exceptions, debtors should consult competent legal counsel before filing to discuss the scope of the discharge. Generally, excluding cases that are dismissed or converted, individual debtors receive a discharge in more than 99 percent of chapter 7 cases. In most cases, unless a party in interest files a complaint objecting to the discharge

or a motion to extend the time to object, the bankruptcy court will issue a discharge order relatively early in the case – generally, 60 to 90 days after the date first set for the meeting of creditors. Fed. R. Bankr. P. 4004(c)

For Archer Systems LLC to cause such a delay in allowing for the funds to be distributed is on its face irrelevant and is causing further harm and anguish to the Plaintiffs who have already suffered, some for over 40 years while awaiting this Settlement.

In the instant, Archer Systems is factually harming Plaintiff John Doe EB-17, by demanding information from him and his Counsel regarding Bankruptcy filings from 1996, nearly 30 years after proper Discharge. Archer has refused to answer questions as to why they would be delving into such ancient filings and continue to delay the Settlement.

As it is, it was Plaintiff John Doe EB-17, who had to use his own funds to log into the PACER Filing Systems, to research and have sent to Archer all relevant Discharge paperwork as Archer seemingly was not even doing this, while making alleged allegations of "investigating" said Bankruptcy filings.

The Settlement in this matter has taken far too long to distribute, and having such irrelevant investigations by Archer Systems LLC is a complete detriment to the history of this matter and is a further insult to those Plaintiffs harmed by Dr. Anderson to be able to move forward with their respective lives with said settlement.

Wherefore, Plaintiff John Doe EB-17, respectfully requests that this matter be re-opened due in whole and in part to the above delays by Archer Systems LLC that have spun this matter out of control.

Plaintiff John Doe EB-17 hereby Motions this Court for Judicial Intervention and reads thus:

It is clear on its face factually, that this matter is not moving forward with distribution of funds as clearly stated by the Court in its Order on or about November 22, 2022, as to how the funds are to be distributed. With Archer Systems LLC acting outside of their own alleged scope by stalling "investigations" into some near 30-year-old Bankruptcy Filings that are wholly irrelevant to the matter,

Plaintiff John Doe EB-17 is seeking Judicial Intervention to bring Archer Systems, the Outside Counsel, and all Plaintiff Counsels respectively - to the Court to offer a full and factual reasoning for such delays as the Plaintiffs, have factually suffered and waited long enough for their lives to be made semi-whole with the settlement itself.

Archer Systems and the Outside Counsel need to fully document and offer the Court reasoning for such delays, and the Court needs to intervene in order for these funds to be distributed, per its November 2022 Order. The Court Ordered Archer as thus (Italic Emphasis has been made for clarity) -

77056 is appointed as the "Fund Administrator" of the Fund (as a "qualified settlement fund") within the meaning of section 1.468B-2(k)(3) of the Regulations ("Administrator") responsible for administering the Fund".

Further, the Court Stated –

"A Bankruptcy Claimant's Bankruptcy Complications shall not be 1. deemed to be resolved unless and until such time as the Bankruptcy Coordination Administrator obtains, and provides a copy to the UM Defendants of, either: (i) a written representation and warranty from a duly authorized bankruptcy trustee on behalf of or with respect to the Bankruptcy Claimant's bankruptcy estate that either (x) the Bankruptcy Claimant's bankruptcy estate has no interest in the Bankruptcy Claimant's Action, Anderson-Related Claim, and Allocated Share, or (y) that the Bankruptcy Claimant's bankruptcy estate is, pursuant section 544 of the Bankruptcy Code, abandoning the Bankruptcy Claimant's Action, Anderson-Related Claim, and Allocated Share to the Bankruptcy Claimant, (in which case the Bankruptcy Claimant shall subsequently ratify their earlier-executed Settlement Release and provide the ratification to the Lien Administrator); or (ii) a Settlement Release or substantially similar document executed by the applicable bankruptcy trustee on behalf of or with respect to the Bankruptcy Claimant's bankruptcy estate, and approved by a United States bankruptcy court, ratifying the Bankruptcy Claimant's previously signed Settlement Release and forever releasing the UM Released Persons from all Anderson-Related Claims and any Bankruptcy Complications with

respect to both the Bankruptcy Claimant and the Bankruptcy Claimant's bankruptcy estate, as if the Bankruptcy Claimant's originally executed Settlement Release had been fully executed and/or approved by the applicable bankruptcy trustee and approved by a United States bankruptcy court at the time the Bankruptcy Claimant originally executed his, her, or its Settlement Release.

- 2. The QSF Co-Administrators must distribute the Bankruptcy Claimant's Allocated Share, in accordance with instructions from the applicable bankruptcy trustee as communicated by the Bankruptcy Coordination Administrator, in the event that a Settlement Release or substantially similar document is executed by the applicable bankruptcy trustee on behalf of or with respect to the Bankruptcy Claimant's bankruptcy estate, and such Settlement Release or substantially similar document is approved by the applicable United States bankruptcy court.
- 3. The QSF Co-Administrators are prohibited from distributing any portion of a Bankruptcy Claimant's Allocated Share unless and until such time as that Bankruptcy Claimant's Bankruptcy Complications have been fully resolved and the Bankruptcy Coordination Administrator has obtained, and provided a copy to the UM Defendants of, the documents described in Paragraph 19.
- 4. If the Bankruptcy Coordination Administrator is unable to resolve a

 Bankruptcy Claimant's Bankruptcy Complications by obtaining the documents

 described in Paragraph 19 within twelve (12) months of the payment of the

Settlement Amount, then: the Bankruptcy Coordination Administrator must provide to the UM Defendants copies of at least two written communications (no less than two months apart) from the Bankruptcy Coordination Administrator to both the applicable bankruptcy trustee and the Office of the United States Trustee for the District in which the bankruptcy occurred providing notice of the Bankruptcy Claimant's Action, Anderson-Related Claim, and Allocated Share, and certify that the Bankruptcy Coordination Administrator received no response to such communications; upon the UM Defendants' receipt of those two written communications and the certification that the Bankruptcy Coordination Administrator received no response to the communications, the QSF Co- Administrators may distribute to the Bankruptcy Claimant that individual Bankruptcy Claimant's Allocated Share, less a "Bankruptcy Holdback Amount," defined as the greater of (a) 40% of that individual Bankruptcy Claimant's Allocated Share or (b) the total amount of debt that was discharged in that individual Bankruptcy Claimant's bankruptcy proceedings; and shall continue to hold in escrow that individual Bankruptcy Claimant's Bankruptcy Holdback Amount.

5. If the Bankruptcy Coordination Administrator is unable to resolve a Bankruptcy Claimant's Bankruptcy Complications within eighteen (18) months of the payment of the Settlement Amount, then: the Bankruptcy Coordination Administrator must provide to the UM Defendants copies of at least one additional

written communication from the Bankruptcy Coordination Administrator to both the applicable bankruptcy trustee and the Office of the United States Trustee for the District in which the bankruptcy occurred providing notice of the Bankruptcy Claimant's Action, Anderson-Related Claim, and Allocated Share, and certify that the Administrator received Bankruptcy Coordination no response such communications; upon the UM Defendants' receipt of that additional communication and the certification that the Bankruptcy Coordination Administrator received no response to the communication, the OSF Co- Administrators may distribute to the Bankruptcy Claimant 90% of that individual Bankruptcy Claimant's Allocated Share; and must continue to hold in escrow 10% of that individual Bankruptcy Claimant's Allocated Share.

6. If the Bankruptcy Coordination Administrator is unable to resolve a Bankruptcy Claimant's Bankruptcy Complications within twenty-four (24) months of the payment of the Settlement Amount, then: the Bankruptcy Coordination Administrator must provide to the UM Defendants copies of at least one additional written communication from the Bankruptcy Coordination Administrator to both the applicable bankruptcy trustee and the Office of the United States Trustee for the District in which the bankruptcy occurred providing notice of the Bankruptcy Claimant's Action, Anderson-Related Claim, and Allocated Share, and certify that the Bankruptcy Coordination Administrator received no response to such communications;

upon the UM Defendants' receipt of that additional communication and the certification that the Bankruptcy Coordination Administrator received no response to the communication, the QSF Co- Administrators may distribute to the Bankruptcy Claimant the remaining 10% of that Bankruptcy Claimant's Allocated Share. In all events, each individual Bankruptcy Claimant's executed Settlement Release must remain fully binding and enforceable."

As the alleged Administrator, Archer has stalled, made alleged excuses, have as the date of this filing, never settled one alleged Bankruptcy matter, as dictated by the Court and their actions are the direct proximate cause of the Plaintiff's continued suffering.

Secondary, the Outside Counsel, of whom the Plaintiffs have never been afforded the opportunity to speak with, let alone be given a name or any relevant contact information of same, has led to additional questions from the Plaintiffs as to whom is paying for this Outside Counsel, as it is fact that not one Plaintiff has ever been contacted to approve such fees and are rightfully questioning as to if the Plaintiffs are going to be responsible for the Outside Counsel fees, and, if so, this would be a breach of contract between Plaintiffs and their respective Counsels, as there is nothing in those contracts that would at any time allow for the Plaintiffs to absorb the cost of same. Clearly, the Court is the one that needs to intervene in this particular issue for clarity purposes.

Emergency Hearing is being requested –

Plaintiff John Doe EB 17, incorporates the above as being factual, and further states that there is a need for an Emergency Hearing on this Motion, so that the Court can facilitate a proper ending to this matter, not the continually alleged "30-60-90 days" delays that have been made over and over and over again until it became full ad nauseum to the respective Plaintiffs, but for the Court to Order that ALL Distributions of this matter be immediately finalized and sent to the respective Plaintiffs within 30 days of the Hearing – as there is no literal reasoning left to delay these Distributions so that the Plaintiffs can move on with their lives –

No reasonable individual can ever claim that these delays in Distribution are good for the Plaintiffs, the Court, and the Defendants in this matter. No Case ever should have to be brought back to the Court, for this type of Emergency Hearing, as any reasonable individual would have at any time, needed to anticipate such delays and excuses, which are continuing to harm them as each passing day goes by.

Although Plaintiff John Doe EB-17 has been informed by his respective Counsel that these types of delays are becoming "common place" with any Personal Injury Lawsuit, Plaintiff John Doe EB-17 is challenging these comments, and is in need of Court Intervention to end this matter accordingly.

WHEREFORE, Plaintiff John Doe EB-17, Richard Goldman (as Goldman publicly outed himself at the Presser at the University of Michigan on or about June

19, 2021) – so his name is known to the outside world – hereby requests that the Court issue an Order that would immediately bring this matter to a close;

Order the immediate distribution of funds to the Plaintiffs (who nearly a year ago had their monetary funds approved by the Outside Mediators that gave their respective reports to individual Counsel, detailing all funds that the particular Plaintiff will be allocated), put an end to the Archer delays and excuses for not finalizing these alleged Bankruptcy matter(s);

Order that the alleged (unknown to any Plaintiff) fees of the Outside Counsel be paid in whole by Archer, or have individual Plaintiff Counsel absorb such fees, further ordering that NO Plaintiff shall be responsible for these alleged fees having commenced, as NO Plaintiff approved of, or was made aware of Outside Counsel being hired until the respective Plaintiff Counsel made the Plaintiffs aware of such by email;

Order that Archer Systems, refund all expenses that were paid by John Doe EB-17 (Richard Goldman) to the Pacer System (wherein Richard Goldman literally did the job of what Archer should have done, by investigating and sending to his own Counsel, as Archer refused to send to Counsel any and all relevant Bankruptcy information that was being alleged by Archer as fact);

And Order, that no later than 30-days from the Hearing on this Motion, all Distributions are to be released to respective Counsels for the Plaintiffs, so that such

funds can be given to the Plaintiffs accordingly, with no further delays, no further excuses;

And put this Matter to its final Bed so that the Plaintiffs affected can finally move on with their respective lives.

Respectfully submitted,

/s/ Richard Goldman
John Doe EB-17 – Richard Goldman
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CERTIFICATE OF SERVICE

I hereby certify that, on July 11, 2023, the foregoing Plaintiff John Doe EB-17 (Richard Goldman, Motion to Re-Open Case, Motion for Judicial Intervention and Emergency Motion For Hearing was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile: (Attached Hereto as a Separate Sheet) as Certificate of Service to all listed Counsel –

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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Plaintiff,

V.

The University of Michigan, the Regents of The University of Michigan,

Defendants.

Case No. 2:20-cv-10568-VAR-EAS

Master Case Filing

Hon Victoria A. Roberts Magistrate Judge Elizabeth A. Stafford

ORDER ON PLAINTIFF JOHN DOE EB-17 (RICHARD GOLDMAN) MOTION TO RE-OPEN CASE; MOTION FOR JUDICIAL INTERVENTION; EMERGENCY MOTION FOR HEARING

This cause, having come before the Court on ______, 2023 on the:

- a) Motion to Reopen Case
- b) Motion for Judicial Intervention
- c) Immediate Distribution of funds to the Plaintiff(s) as Ordered on November 11, 2022
- d) All alleged (unknown to any Plaintiff) fees of the Outside Counsel be paid in whole by Archer, and/or have individual Plaintiff Counsel absorb such fees, and that NO Plaintiff shall be responsible for these alleged fees
- e) That Archer Systems, refund all expenses that were paid by John Doe EB-17 (Richard Goldman) to the Pacer System
- f) That no later than 30-days from the Hearing on this Motion, all Distributions are to be released to respective Counsels for the Plaintiffs

and the Court having reviewed such Motic	on during the Hea	aring presented,	
hereby Orders the Following:			
DONE AND ORDERED in Chambers at _	,	Michigan, this	
, 2023.			
	Victoria A. Roberts		
	Judge United States District		
Court for the Eas			
	•	of Michigan – Southern Division	
	DIVISION		